

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of License 8090 (Application 20102)  
**Frank R. Haas, Anke-Ev Haas, Lynn Pape, Sandra Pape**

**ORDER ADDING MAXIMUM ANNUAL AMOUNT AND  
STANDARD LICENSE TERMS**

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SOURCE: Unnamed Springs

COUNTY: Santa Barbara

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**WHEREAS:**

1. License 8090 was issued to Wayne I. McClaskey, DBA Four Springs Ranch, Donald Nielsen and Sally Nielsen on May 19, 1967, pursuant to Application 20102 and was recorded with the County Recorder of Santa Barbara County in Book 2191, Page 236 on May 22, 1967.
2. License 8090 was subsequently assigned to Frank K. Haas, Anke-Ev Haas, and Sally P. Nielsen on January 31, 1972. A name change from Sally P. Nielsen to Sally P. Kaslow was recorded with the SWRCB on March 14, 1975.
3. The Division of Water Rights (Division) conducted an inspection of the project covered by License 8090 on June 29, 1999. As a result of this inspection, the Division changed its records to show ownership of License 8090 in the names of Frank Haas, Anke-Ev Haas, Lynn Pape, and Sandra Pape. This inspection also found that a maximum annual amount should be included in the license.
4. As a result of the licensee filing a Statement of Water Diversion and Use claiming riparian and pre-1914 appropriative rights, covering the place of use under this license, a term limiting the combined amount diverted under all rights is added in the license.
5. The State Water Resources Control Board (SWRCB) also adds its standard continuing authority term, water quality objective term and a term to prevent any act which results in the taking of a threatened or endangered species that has been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

License 8090 is amended to include the following changes, corrections and new or revised terms and conditions:

1. The following limitation on the total amount of water diverted under this license is added as follows:

The maximum amount of water diverted under this license shall not exceed 1.3 acre-feet per year.

2. The following term related to other rights covering the place of use is added:

Upon a judicial determination that the place of use under this license or a portion thereof is entitled to the use of water by riparian and/or pre-1914 appropriative right, the rights so determined and the right acquired under this license shall not result in combined right to the use of water in excess of that which could be claimed under the largest of the rights.

3. The continuing authority condition is updated to read as follows:

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

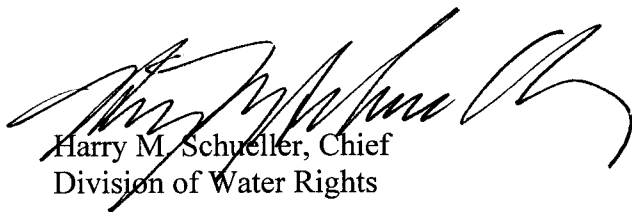
The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

4. The water quality objectives condition is updated to read as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

5. An endangered Species term is added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.



Harry M. Schueller, Chief  
Division of Water Rights

Dated: **APR 19 2001**



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

## License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 20102

PERMIT 13466

LICENSE 8090

### THIS IS TO CERTIFY, That

WAYNE I. MCCLASKEY DBA FOUR SPRINGS RANCH;  
DONALD NIELSEN AND SALLY NIELSEN  
C/O WAYNE I. MCCLASKEY, 10889 WILSHIRE BOULEVARD,  
LOS ANGELES, CALIFORNIA 90000

HAVE made proof as of JUNE 17, 1966,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
AN UNNAMED SPRING AREA IN SANTA BARBARA COUNTY

tributary to AN UNNAMED STREAM THENCE CACHUMA LAKE THENCE SANTA YNEZ RIVER

for the purpose of DOMESTIC USE  
under Permit 13466 of the Board and that the right to the use of this water has been perfected in  
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of  
this right dates from APRIL 27, 1961, and that the amount of water to which this right is  
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall  
not exceed ONE THOUSAND ONE HUNDRED THIRTY (1,130) GALLONS PER DAY TO BE DIVERTED  
FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

### THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 200 FEET AND EAST 170 FEET FROM S1/4 CORNER OF SECTION 30, T6N, R29W, SBB&M,  
BEING WITHIN LOT 3 OF SAID SECTION 30.

### A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN LOT 3 OF SECTION 30, T6N, R29W, SBB&M.

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19-92-1

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAY 19 1967

L. K. Hill  
Executive Officer

1-10-72

RECEIVED NOTICE OF ASSIGNMENT TO

Frank K. & Arlene E. Hansen

Sally P. Nielsen

1-19-72 interest of Donald Nielsen assigned to

Sally Nielsen

3-14-75 Name chgd from Sally P. Nielsen to Sally  
P. Nielsen

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